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Paper No. 9

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APT 412N
HILLSBORO BEACH FL 33062

MAILED

OCT 18 2012

OFFICE OF PETITIONS

In re Patent No. 5,915,650 :
Issue Date: 06/29/1999 :
Application Number: 08/891,302 :
Filing Date: 07/10/1997 :
For: AIRCRAFT WING WITH DUAL :
AXIS MOBILITY :

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This is a letter in reference to the letter filed on October 5, 2012, concerning the expiration of the above-identified patent.

This patent expired on July 29, 2007, for failure to pay the second (7 ½ year) maintenance fee.

It is noted that patentee asserts that his former patent counsel did not forward to the USPTO the first maintenance fee payment. Patentee has submitted a copy of a check dated May 4, 2003, showing the payment to counsel. A review of Office financial records, however, reveals that the first maintenance fee payment was received on June 28, 2003. As such, the showing of record is that petitioner's counsel did timely submit the first maintenance fee payment to the Office.

Rather, the patent became expired for failure to timely pay the second (7 ½ year) maintenance fee payment, for which the window for payment opened on June 29, 2006. The maintenance fee was due with a surcharge on December 30, 2006. On June 29, 2007, the window for payment closed and the patent became expired. Additionally, the third (11 ½ year) payment was due on June 29, 2011.

Patentee may wish to consider filing a petition under 37 CFR 1.378(b), requesting that the Office accept an unavoidably delayed maintenance fee payment. Such a petition would need to be accompanied by payment of the requisite second and third maintenance fees (currently \$1,450.00 and \$2,405.00 for a small

entity), the surcharge required by § 1.20(i)(1) (currently \$700.00), and a **showing** that the delay was unavoidable. Should patentee choose to file a petition under 37 CFR 1.378(b), the total fee currently due would be \$4,555.00.

Form PTO/SB/65 has been enclosed for patentee's convenience should patentee wish to file the petition.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/65